

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98-385-E)

PATENT

In re Application of: Hauptmann et al.)

Serial No.: 09/525,998)

Filed: March 15, 2000)

For: TNF Receptors, TNF Binding)
Proteins and DNAs Coding For Them)

Before the Examiner: E. O'Hara

Group Art Unit: 1646

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

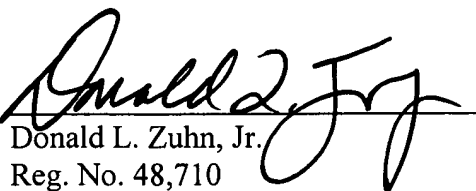
TRANSMITTAL LETTER

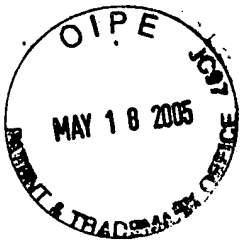
1. We are transmitting herewith the attached papers for the above-described patent application: Petition for Extension of Time, Response to Office Action, Terminal Disclaimer, and return postcard.
2. A check in the amount of \$120.00 for an Extension fee under 37 C.F.R. § 1.136(a), pursuant to 37 C.F.R. § 1.17(a)(1), is attached.
3. GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES: Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2490.
4. CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 13, 2005.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Dated: May 13, 2005

By:


Donald L. Zuhn, Jr.
Reg. No. 48,710



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Sir:

RESPONSE TO OFFICE ACTION MAILED JANUARY 28, 2005

Responsive to the Office Action, mailed January 28, 2005, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks. Claims 27, 49, 64, 67, 68, 71-74, 76, 77, 79, 81-86, 89-91, 94, 96, 97, 102, 104, 105, 110, 111, 114-116, 119, 121-123, 126, 128-135, 138, 139, 144-168, 170, 172, and 174-178 are now pending in the instant application.

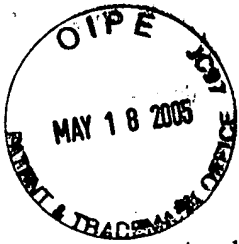
1. Rejection of claims 27, 49, 64, 67, 68, 71-74, 76, 77, 79, 81-86, 89-91, 94, 96, 97, 102, 104, 105, 110, 111, 114-116, 119, 121-123, 126, 128-135, 138, 139, 144-168, 170, 172, and 174-178 for obviousness-type double patenting

The Action asserts a rejection of claims 27, 49, 64, 67, 68, 71-74, 76, 77, 79, 81-86, 89-91, 94, 96, 97, 102, 104, 105, 110, 111, 114-116, 119, 121-123, 126, 128-135, 138, 139, 144-168, 170, 172, and 174-178 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-63 of U.S. Patent No. 6,440,693. Applicants file herewith a Terminal Disclaimer pursuant to the provisions of 37 C.F.R. §1.321(c), and respectfully submit that said Disclaimer overcomes the asserted ground of rejection. Withdrawal of this rejection is therefore respectfully solicited.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 13, 2005.

Donald L. Zuhn, Jr.



CONCLUSIONS

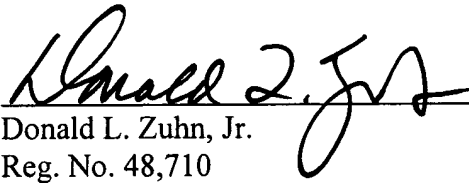
Applicants respectfully contend that all conditions of patentability are met in the pending claims as amended. Allowance of the claims is thereby respectfully solicited.

If Examiner O'Hara believes it to be helpful, she is invited to contact the undersigned representative by telephone at 312-913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Dated: May 13, 2005

By:


Donald L. Zuhn, Jr.
Reg. No. 48,710